

Sage Legal LLC

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June 24, 2024

VIA ECF

United States District Court
Southern District of New York
Attn: Hon. Edgardo Ramos, U.S.D.J.
40 Foley Square
Courtroom 619
New York, NY 10007

Re: Noh v. adMarketplace, Inc., et ano.
Case No.: 1:24-cv-2107 (ER) (SLC)
Letter Motion for Pre-Motion Conference

Dear Judge Ramos:

This office represents Defendant Eugene Kilberg (“Kilberg”) in the above-referenced case. Kilberg writes to respectfully oppose Plaintiff Alexandra Noh’s (“Plaintiff”) “by-the-by” motion for an adjournment of the pre-motion conference currently scheduled for Thursday, June 27, 2024 at 10:30 AM. For the reasons that follow, an adjournment must be denied.

First, Plaintiff represents in her letter that her request for an adjournment is made “with the consent of opposing counsel” and that the parties “have agreed on July 8, July 9, or July 10, 2024, which are the dates that will work best for both parties.” This is untrue, as: (i) Plaintiff did not contact your undersigned concerning this request; (ii) Kilberg never consented to an adjournment request, which he was not asked to; and (iii) the dates provided by Plaintiff do not “work best” for Kilberg.

Second, Plaintiff’s request fails to comply with this Court’s Individual Practices, which provide that requests for adjournment must include: (i) the original date; (ii) the number of previous requests; (iii) whether the previous requests were granted or denied; (iv) the reason for the request; and (v) whether the adversary consents. This is because Plaintiff fails to specify whether any previous requests were made, makes a bare-bones attempt to explain the reason for the request, and misrepresents that Kilberg consented to a request he was never apprised of.

Third, to the extent the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”) apply to an adjournment request, Plaintiff has failed to establish good cause for the requested adjournment consistent with Rule 6. See Fed. R. Civ. P. 6(b)(1)(A). In that regard, Plaintiff makes a passing reference that her “office has a conflict in scheduling.” This vague, unsupported reference to a conflict is insufficient to establish good cause.

For the foregoing reasons, Kilberg respectfully requests that this Court exercise its discretion against granting Plaintiff’s request for an adjournment.

Kilberg thanks this honorable Court for its time and attention to this case, and regrets that it was necessary to apprise this Court of Plaintiff’s misrepresentations.

Dated: Jamaica, New York
June 24, 2024

Respectfully submitted,

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

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